

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATURAL RESOURCES DEFENSE
COUNCIL and
ENVIRONMENTAL DEFENSE FUND,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY,

Defendant.

Case No. 18-cv-11227-RWS
ECF Case



**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

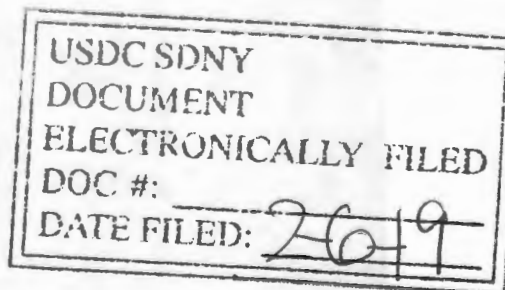
Hon. Robert W. Sweet

WHEREAS on December 3, 2018, Plaintiffs Natural Resources Defense Council and Environmental Defense Fund ("Plaintiffs") filed a Complaint against Defendant United States Environmental Protection Agency ("Defendant") under the Freedom of Information Act, 5 U.S.C. § 552, seeking declaratory relief and an order enjoining Defendant to release certain requested agency records (Dkt. 1);

WHEREAS on December 28, 2018, Defendant sought a stay of this action due to lapses in appropriated federal government funding for Defendant and its counsel, the United States Attorney's Office for the Southern District of New York (Dkt. 10);

WHEREAS on December 28, 2018, Plaintiffs filed a motion to expedite consideration of this matter and for partial summary judgment (Dkts. 12-13);

WHEREAS on January 3, 2019, the Court stayed this action due to the lapse in appropriated federal government funding ("January 3 Order") (Dkt. 19);



WHEREAS the Court's January 3 Order directed that upon the funding of Defendant and its counsel the parties were to meet and confer on the schedule for resolution of all pending matters;

WHEREAS on January 25, 2019, the President signed into law a budget appropriating funding; and

WHEREAS the parties have met and conferred and wish to set a schedule for resolution of pending matters in this action.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the parties, and subject to approval of the Court, that the following schedule applies to pending matters in this action:

Deadline	Event
February 11, 2019	Defendant's response , if any, to Plaintiffs' December 28, 2018 motion
February 13, 2019	Defendant's answer to the Complaint
February 15, 2019	Plaintiffs' reply , if any, on their December 28, 2018 motion
February 20, 2019	Oral argument on Plaintiffs' December 28, 2018 motion

Dated: January 30, 2019

For Plaintiffs:

/s/Pete Huffman
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/s/Matthew Littleton
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Counsel for Plaintiff EDF

* Application for admission pending.

** Admitted *pro hac vice*.

Respectfully submitted,

For Defendant:

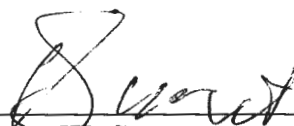
Geoffrey S. Berman
United States Attorney for the
Southern District of New York

By:
/s/Samuel Dolinger
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Counsel for Defendant EPA

SO ORDERED:

Dated: 2-6, 2019


Robert W. Sweet
United States District Judge